

DAC #3  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al.  
Serial No.: 10/026,247  
Filed: December 19, 2001  
For: Interactive In-Store/In-Mall and  
Online Shopping System and  
Method  
Group: 2165

) I hereby certify that this correspondence  
) is being deposited with the U.S. Postal  
) Service as First Class Mail in an  
) envelope addressed to Assistant  
) Commissioner of Patents,  
) Box  
) Washington, DC 20231 on 6-25-02  
) *Merri C. Merrill*  
) Merri C. Merrill  
) eocet CHECK NO. 10

**PETITION UNDER 37 C.F.R. § 1.47(a)**

The Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Dear Sir:

Applicant hereby petitions under 37 C.F.R. § 1.47(a) to make the above-identified application by all the joint inventors, except four, on behalf of the omitted co-inventors for reason that the omitted inventors refuse to join the application or cannot be reached.

Submitted herewith are four "Statement of Facts in Support of Filing on Behalf of a Non-Signing Inventor Under 37 C.F.R. § 1.47(a)" signed by Mark V. Campagna, Attorney for the Applicant, and four "Statement of Facts" signed by Merri C. Merrill, Legal Assistant for Jones, Day, Reavis & Pogue. Also enclosed herewith are four forms entitled "ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTORS ON BEHALF OF A NON-SIGNING INVENTOR WHO REFUSES TO SIGN", one for each non-signing inventor. Also enclosed is our response to the "Notice to File Missing Parts of Application" dated 01/28/2002, including the Combined Declaration and Power of Attorney signed by all joint inventors, except Melanie Al-Shabkhoun, Sandeep Chugani, James C. Spira, and John Sviokla. A request for a three-month extension of time is included in our response to Missing Parts.

CH: 1226680v1  
635482-625036

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07/05/2002 AMNDPAF1 00000077 10026247 130.00 OF 03 FC:122

The petition fee of \$130 is submitted herewith. In the event that the attached check is unacceptable, is insufficient, or the check is inadvertently omitted, the Commissioner is hereby authorized to charge the required amount to the Jones, Day, Reavis & Pogue deposit account no. 10-1202. If the amount is in excess, please credit our deposit account.

Respectfully submitted,



Marc S. Blackman  
Reg. No. 43,501

Date: June 25, 2002

Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Chicago, IL 60601-1692  
(312) 782-3939

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al. )  
Serial No.: 10/026,247 )  
Filed: December 19, 2001 )  
For: Interactive In-Store/In-Mall and )  
Online Shopping System and )  
Method )  
Group Art Unit: 2165 )

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STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)

1. I, Merri C. Merrill, am a legal assistant with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, Melanie Al-Shabkhouh.

2. Inventor Melanie Al-Shabkhouh is a former employee of Simon Property Group or its affiliates who resigned her employment with said company on March 25, 2000. On information and belief, Ms. Al-Shabkhouh has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by her during her employment with Clix'nmortar.com/Simon Property Group.

3. On December 28, 2001, I sent an additional copy of the patent application (including the specification, claims and drawings) and a Combined Declaration and Power of Attorney for Patent Application ("Declaration") relating to the present application, to Ms. Al-Shabkhouh's home in Orgeval, France by Federal Express courier and requested that she review the patent application, sign the Declaration, and return the Declaration to my attention. I also instructed her to contact me either at my office and provided the telephone numbers if she had any questions or concerns.

4. On May 15, 2002, I sent to Ms. Al-Shabkhoun an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mail were copies of the specification, drawings, inventors' Declaration and Assignment.

5. As of today's date, I have received no response from Ms. Al-Shabkhoun indicating that she will sign the Declaration and Assignment papers.

6. Attached is correspondence sent to Ms. Al-Shabkhoun.

7. The last known address of Melanie Al-Shabkhoun is 7908 Westfield Boulevard, Indianapolis, Indiana 46240, U.S.A.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 15, 2002  
*mer*

By:   
Merri C. Merrill  
Legal Assistant

EASYLINK 1925906K001 29MAY02 22:21/22:22 EST  
FROM: 62972266  
FEDERAL EXPRESS (CRN: WPODA)  
TO: 3127828585

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FAX MESSAGE  
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FEDEX (FEDERAL EXPRESS, INC.)  
TEL. 1-800-247-4747

ATTN : AUBREY BOLLING

COMPANY : JONES DAY REAVIS & POGUE

FROM : ROBINSON/JOYCE@EMC2

SUBJECT : Written Proof of Delivery

Dear : AUBREY BOLLING

This is in reply to your request for delivery information regarding  
air waybill number 468999872774 .

Our records indicate that your shipment was delivered on  
01 / 02 / 02 at 1149 and signed for by M.ELANIE

Should you need further assistance, please feel free to contact me  
in International Customer Support at our toll-free number,  
1-800-247-4747, extension \_\_\_\_ - \_\_\_\_ .

We value your patronage and look forward to serving your air  
express needs.

Sincerely,

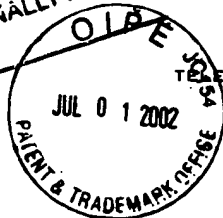
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Representative  
International Customer Support  
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JONES, DAY, REAVIS & POGUE

77 WEST WACKER

CHICAGO, ILLINOIS 60601-1692

TELEPHONE: 312-782-3939 • FACSIMILE: 312-782-8585

(312) 269-4385

mmerrill@jonesday.com

December 28, 2001

Via Federal Express

Melanie A. Al-Shabkhoun  
167 Rue de Butte  
Orgeval, France  
78631

Re: New U.S. Patent Application  
Entitled: "Interactive In-Store/In-Mall and On-Line  
Shopping System and Method"  
(Continuation-in-Part of U.S. Patent Application Serial No. 09/705,252)  
Our Ref: 635482-625-036

Dear Ms. Al-Shabkhoun:

I am a legal assistant working with ClixnMortar. You have been previously named as an inventor on a U.S. patent relating to the FastFrog system, namely U.S. Patent Application Serial No. 09/705,252. ClixnMortar is filing a Continuation-In-Part patent application relating to what is now called the ClixList system. Please review the attached patent application and give me any comments you have.

Also, please sign the attached "Assignment and Agreement" and "Combined Declaration and Power of Attorney" and return these papers to me as soon as possible via overnight courier. The Assignment and Agreement must be signed before **two witnesses**, who must also sign and date the document and print or type their full names.

Please call me if you have any questions. Your timely response is appreciated.

Very truly yours,

Christine Merrill  
Legal Assistant

Enclosures

Copy to: Mark V. Campagna, Esq.

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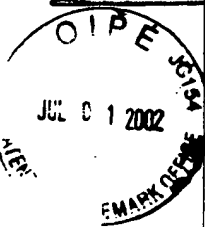
CH: 1198409v1  
635482-625036

ATLANTA • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • GENEVA • HONG KONG • HOUSTON • IRVINE • LONDON • LOS ANGELES  
MADRID • MUMBAI • NEW DELHI • NEW YORK • PALO ALTO • PARIS • PITTSBURGH • SHANGHAI • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON

\*ASSOCIATE FIRM

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SPD Letter

5/29/02 10:

<http://spod.prod.fedex.com/~elndv/bir/fin...honeNbr=1-800-GO-FEDEX&SYSTEM=prod&F>

May 29, 2002

JONES DAY REAVIS /3127828585  
JONES DAY REAVIS  
77 W WACKER DR STE 3400  
CHICAGO, IL 606011604

Dear JONES DAY REAVIS /3127828585:

Our records reflect the following delivery information for the shipment with the tracking number 468999872774. The information is incomplete and we regret the inconvenience this may cause. However, as stated in the FedEx Service Guide, we assume no liability for our inability to provide a copy of the delivery record.

## DELIVERY INFORMATION:

Signed For By: MELANIE

Delivered to:

Delivery Date: January 02, 2002

Delivery Time: 11:49 AM

## Shipping Information:

Shipment Reference Information: 635482-625-036

Tracking No: 468999872774

Ship Date: December 28, 2001

Shipper: JONES DAY REAVIS & POGUE  
77 W WACKER DR STE 3400  
CHICAGO, IL 606011604

Recipient: MELANIE A AL-SHABKHOUN  
167 RUE DE BUTTE  
ORGEVAL, FR 78631  
FR

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service

1-800-GO-FEDEX

Reference No: EDR WEB 05/29/2002 22:25:27 by 146.18.173.72

This information is provided subject to the FedEx Service Guide.

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JUL 08 2002

OFFICE OF PETITIONS

## **ASSIGNMENT AND AGREEMENT**

FOR VALUE RECEIVED, We, **Robert D. Covington, Melanie A. Al-Shabkhoun, Andrew D. Carlson, Drew Conrad, Paul M. D'Alessandro, John E. Kalil, Jason Kunesh, Charles Brent Lohrmann, James C. Spira, John Sviokla, and Lorraine McGlone**, all citizens of The United States of America, **Sandeep Chugani**, a citizen of India, and **Darren S. Yaphe**, a citizen of Canada, hereby sell, assign and transfer to **Simon Property Group, L.P.**, a Delaware Limited Partnership, and having its principal place of business at National City Center, 115 West Washington, Indianapolis, Indiana 46204, as assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions relating to improvements in

### **Interactive In-Store/In-Mall and Online Shopping System and Method**

described in an application for Letters Patent of the United States,

(check one) ☒ attached hereto.

\_\_\_\_\_ filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_

and all the rights and privileges under any and all Letters Patent that may be granted therefor.

We request that any and all patents for said inventions be issued to said assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We authorize and empower the said assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.



We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

\_\_\_\_\_

Date\_\_\_\_\_

**Robert D. Covington**

Signed in our presence and acknowledged to be an assignment of the application (invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**Melanie A. Al-Shabkhoun**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**Andrew D. Carlson**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**Sandeep Chugani**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**Drew Conrad**

Date: \_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness \_\_\_\_\_  
(signature)

Date \_\_\_\_\_

Typed name \_\_\_\_\_

Witness \_\_\_\_\_  
(signature)

Date \_\_\_\_\_

Typed name \_\_\_\_\_

\_\_\_\_\_  
**Paul M. D'Alessandro**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_  
(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_  
(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**John E. Kalil**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**Jason Kunesh**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_



\_\_\_\_\_  
**Charles Brent Lohrmann**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**James C. Spira**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**John Sviokla**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**Darren S. Yappe**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

\_\_\_\_\_  
**Lorraine McGlone**

Date\_\_\_\_\_

Signed in our presence and acknowledged to be an assignment of the application  
(invention) herein above referred to.

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

Witness\_\_\_\_\_

(signature)

Date\_\_\_\_\_

Typed name\_\_\_\_\_

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"INTERACTIVE IN-STORE/IN-MALL AND ON-LINE  
SHOPPING SYSTEM AND METHOD"**

the specification of which:

(check one) ☒ is attached hereto

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**U.S. Patent Application Serial No. 09/705, 252, Filed 11/02/2000, and  
U.S. Provisional Application Serial No. 60/163,904, Filed 11/05/1999**

As named inventors, we hereby appoint: RONALD A. SANDLER, Reg. No. 23,066; RUSSELL L. McILWAIN, Reg. No. 28,641; H. DUANE SWITZER, Reg. No. 22,431; ALFRED E. HALL, Reg. No. 24,099; JAMES B. RADEN, Reg. No. 24,594; LESTER J. SAVIT, Reg. No. 30,523; SANDRA B. WEISS, Reg. No. 30,814; DAVID L. WITCOFF, Reg. No. 31,443; JOHN A. MARLOTT, Reg. No. 37,031; JOSEPH H. GOLANT, Reg. No. 24,210; MARC S. BLACKMAN, Reg. No. 43,501; MARK V. CAMPAGNA, Reg. No. 42,380; STACY A. BAIM, Reg. No. 44,534; and KRISTA S. SCHWARTZ, Reg. No. 42,134, who are with the firm of JONES, DAY, REAVIS & POGUE, as our attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

We request that all correspondence be directed to:

Mark V. Campagna  
JONES, DAY, REAVIS & POGUE  
77 West Wacker Drive  
Chicago, Illinois 60601-1692

Please direct all telephone calls to Mark V. Campagna, (312) 269-1563.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Robert D. Covington**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 3312 West 34th Street  
Indianapolis, Indiana 46222  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of second inventor: **Melanie A. Al-Shabkhoun**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence:

Citizenship: **United States of America**

Post Office Address: same as residence



Full name of third inventor: **Andrew D. Carlson**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 1323 West Melrose Street  
Chicago, Illinois 60657  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of fourth inventor: **Sandeep Chugani**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 7 Brown Court  
Livingston, New Jersey 07039  
U.S.A.

Citizenship: India

Post Office Address: same as residence

Full name of fifth inventor: **Drew Conrad**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 6858 Colonel Taylor Lane  
Centreville, Virginia 20121  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of sixth inventor: **Paul M. D'Alessandro**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 808A Chestnut Street  
Deerfield, Illinois 60015  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of seventh inventor: **John E. Kalil**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 601 1st Street, #9  
Hermosa Beach, California 90254  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of eighth inventor: **Jason Kunesl**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 4422 North Seeley Avenue, #1  
Chicago, Illinois 60625  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of ninth inventor: **Charles Brent Lohrmann**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 1787 Old Woods Court, N.E.  
Ada, Michigan 49301  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of tenth inventor: **James C. Spira**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 16950 South Woodland  
Shaker Heights, Ohio 44120  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence



Full name of eleventh inventor: **John Sviokla**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 11 Willard Street  
Newton, Massachusetts 02458-2230  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of twelfth inventor: **Darren S. Yappe**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 1916 North Sheffield Avenue, #3F  
Chicago, Illinois 60614  
U.S.A.

Citizenship: Canada

Post Office Address: same as residence

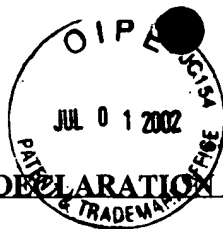
Full name of thirteenth inventor: **Lorraine McGlone**

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 8712 Admirals Bay Drive  
Indianapolis, Indiana 46236  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence



COPY OF PAPERS  
ORIGINALLY FILED

Attorney Docket No.: 635482.625.036

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"INTERACTIVE IN-STORE/IN-MALL AND ON-LINE  
SHOPPING SYSTEM AND METHOD"**

the specification of which:

(check one) ☐ is attached hereto

☒ was filed on December 19, 2001 as Application Serial No. 10/026,247.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim the benefit under Title 35, United States Code, §120 and 119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**U.S. Patent Application Serial No. 09/705, 252, Filed 11/02/2000, and  
U.S. Provisional Application Serial No. 60/163,904, Filed 11/05/1999**

As named inventors, we hereby appoint: RONALD A. SANDLER, Reg. No. 23,066; H. DUANE SWITZER, Reg. No. 22,431; ALFRED E. HALL, Reg. No. 24,099; JAMES B. RADEN, Reg. No. 24,594; LESTER J. SAVIT, Reg. No. 30,523; SANDRA B. WEISS, Reg. No. 30,814; DAVID L. WITCOFF, Reg. No. 31,443; JOHN A. MARLOTT, Reg. No. 37,031; JOSEPH H. GOLANT, Reg. No. 24,210; MARC S. BLACKMAN, Reg. No. 43,501; MARK V. CAMPAGNA, Reg. No. 42,380; STACY A. BAIM, Reg. No. 44,534; and KRISTA S. SCHWARTZ, Reg. No. 42,134, who are with the firm of JONES, DAY, REAVIS & POGUE, as our attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

CH: 1196763v1  
635482-625014

**RECEIVED**

**JUL 08 2002**

**OFFICE OF PETITIONS**

We request that all correspondence be directed to:

Mark V. Campagna  
JONES, DAY, REAVIS & POGUE  
77 West Wacker Drive  
Chicago, Illinois 60601-1692

Please direct all telephone calls to Mark V. Campagna, (312) 269-1563.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:  **Robert D. Covington**

Inventor's signature:  Date 2-26-02

Residence: 3312 West 34th Street  
Indianapolis, Indiana 46222  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of second inventor: **Melanie A. Al-Shabkhoun**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence:

Citizenship: United States of America

Post Office Address: same as residence

Full name of third inventor: **Andrew D. Carlson**

Inventor's signature:  Date 2-27-02

Residence: 1323 West Melrose Street  
Chicago, Illinois 60657  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of fourth inventor: **Sandeep Chugani**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 7 Brown Court  
Livingston, New Jersey 07039  
U.S.A.

Citizenship: India

Post Office Address: same as residence



Full name of fifth inventor: **Drew Conrad**

Inventor's signature:  Date January 21, 2002

Residence: 6858 Colonel Taylor Lane  
Centreville, Virginia 20121  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of sixth inventor: **Paul M. D'Alessandro**

Inventor's signature:  Date 21 JAN 2002

Residence: 808A Chestnut Street  
Deerfield, Illinois 60015  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of seventh inventor:

John E. Khalil

Inventor's signature:

*John E. Khalil*

Date

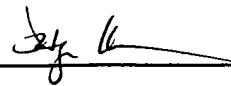
12/27/01

Residence: 601 1st Street, #9  
Hermosa Beach, California 90254  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of eighth inventor: **Jason Kunesh**

Inventor's signature:  Date 12/18/01

Residence: 4422 North Seeley Avenue, #1  
Chicago, Illinois 60625  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of ninth inventor: **Charles Brent Lohrmann**

Inventor's signature:  Date 4/30/02

Residence: 1787 Old Woods Court, N.E.  
Ada, Michigan 49301  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of tenth inventor: **James C. Spira**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 16950 South Woodland  
Shaker Heights, Ohio 44120  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of eleventh inventor: **John Sviokla**

Inventor's signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: 11 Willard Street  
Newton, Massachusetts 02458-2230  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of twelfth inventor: **Darren S. Yaphe**

Inventor's signature: *Darren S. Yaphe* Date *Feb 10 / 2002*

Residence: 1916 North Sheffield Avenue, #3F  
Chicago, Illinois 60614  
U.S.A.

Citizenship: Canada

Post Office Address: same as residence



Full name of thirteenth inventor: **Lorraine McGlone**

Inventor's signature: Lorraine McGlone Date: 12/20/01

Residence: 8712 Admirals Bay Drive  
Indianapolis, Indiana 46236  
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

# 3

Pra tition r's Dock t N . 635482.625.036

**ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)  
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)  
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

**WARNING:** "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application.'" M.P.E.P. § 409.03(a), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53,131, 53,137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Melanie A. Al-Shabkhoun (second inventor)  
nonsigning inventor who

☒ refuses to sign

☐ cannot be found or reached

**NOTE:** The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Country of Citizenship of nonsigning inventor

United States of America

Last known address of nonsigning inventor

7908 Westfield Boulevard  
Indianapolis, IN 46240

**NOTE:** Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

(1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR

(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(i))

Lorraine McGlone

(type or print name of joint inventor  
signing on behalf of nonsigning  
inventor)

Lorraine McGlone

Signature 6/10/02

Date

**ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)  
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)  
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

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I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Sandeep Chugani (fourth inventor)  
nonsigning inventor who

- ☐ refuses to sign  
☒ cannot be found or reached

**NOTE:** The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Country of Citizenship of nonsigning inventor

India

Last known address of nonsigning inventor

7 Brown Court  
Livingston, New Jersey 07039

**NOTE:** Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR  
(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(i))

Lorraine McGlone

(type or print name of joint inventor  
signing on behalf of nonsigning  
inventor)

Lorraine McGlone  
Signature 6/10/02  
+ date

**ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)  
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)  
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

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I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) James C. Spira (10th inventor)  
nonsigning inventor who

- ☐ refuses to sign  
☒ cannot be found or reached

**NOTE:** The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Country of Citizenship of nonsigning inventor United States of America  
Last known address of nonsigning inventor 16950 S. Woodland  
Shaker Heights, Ohio 44120

**NOTE:** Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR  
(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(i))

Lorraine McGlone

(type or print name of joint inventor  
signing on behalf of nonsigning  
inventor)

Lorraine McGlone  
Signature  
\* date 6/10/02

**ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)  
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)  
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

**WARNING:** "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application.'" M.P.E.P. § 409.03(a), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53,131, 53,137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) John Sviokla (11th inventor)  
nonsigning inventor who

- ☐ refuses to sign  
☒ cannot be found or reached

**NOTE:** The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Country of Citizenship of nonsigning inventor United States of America  
Last known address of nonsigning inventor 11 Willard Street  
Newton, Massachusetts 02458-2230

**NOTE:** Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR  
(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(i))

Lorraine McGlone  
(type or print name of joint inventor  
signing on behalf of nonsigning  
inventor)

Lorraine McGlone  
Signature  
date 6/10/02

COPY OF PAPERS  
ORIGINALLY FILED



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al. )  
Serial No.: 10/026,247 )  
Filed: December 19, 2001 )  
For: Interactive In-Store/In-Mall and )  
Online Shopping System and )  
Method )  
Group Art Unit: 2165 )

STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)

1. I, Mark V. Campagna, am an attorney with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, Melanie Al-Shabkhouh.

2. Inventor Melanie Al-Shabkhouh is a former employee of Simon Property Group or its affiliates who resigned her employment with said company on March 25, 2000. On information and belief, Ms. Al-Shabkhouh has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by her during her employment with Clix'nmortar.com/Simon Property Group.

3. On December 17, 2001, February 7, 2002, February 23, 2002, and April 30, 2002 I sent to Ms. Al-Shabkhouh an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mails were copies of the specification, drawings, inventors' Declaration and Assignment.

CH: 1223391v1  
635482-625036

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4. On May 8, 2002 Melanie Al-Shabkhoun sent me an e-mail indicating that she received my e-mail.

5. As of today's date, I have received no response from Ms. Al-Shabkhoun indicating that she will sign the Declaration and Assignment papers.

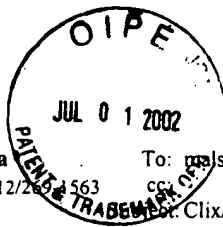
6. The last known address of Melanie Al-Shabkhoun is 7908 Westfield Boulevard, Indianapolis, Indiana 46240 U.S.A.

7. Attached is correspondence sent to Ms. Al-Shabkhoun.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 24, 2002

By:   
Mark V. Campagna  
Attorney



COPY OF PAPERS  
ORIGINALLY FILED

Mark V. Campagna

Extension 5-1563 or 312/269-1563

12/17/01 03:27 PM

To: mshab@yahoo.com

cc:

Subject: Clix/FastFrog CIP Patent Application

----- Forwarded by Mark V. Campagna/JonesDay on 12/17/01 03:23 PM -----

Mark V. Campagna

Extension 5-1563 or 312/269-1563

12/17/01 02:10 PM

To: rcovington@interactapps.com, svioklaj@diamtech.com,

chuganis@diamtech.com, lohmann@diamtech.com,

carlsona@diamtech.com, yaphed@diamtech.com,

conardd@diamtech.com, khalilj@diamtech.com, spiraj@diamtech.com,

dalessandrop@diamtech.com, lmcglone@simon.com

cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay

Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

I'm a patent attorney working with ClixnMortar. You have been previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar is filing a Continuation-In-Part patent application relating to what is now called the ClixList system. Please review the attached patent application and give me any comments you have.

Also, please **sign** the attached "Assignment and Agreement" and "Combined Declaration and Power of Attorney" and return these papers to me as soon as possible via FedEx. The Assignment and Agreement must be signed before **two witnesses**, who must also sign and date the document and write or type their full names.

Please call me if you have any questions. Your timely response is appreciated.



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Mark V. Campagna

Jones Day Reavis & Pogue

77 W. Wacker

Chicago, IL 60601

Direct: 312-269-1563

Fax: 312-782-8585

email: mcampagna@jonesday.com

=====

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Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
02/07/02 07:59 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohmman@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay,  
lmcglone@simon.com  
Subject: Re: Clix/FastFrog CIP Patent Application 

Dear Inventors:

The formal papers for the ClixnMortar patent application are due in the PTO by **March 28, 2002**. If you are receiving this e-mail, I have not gotten your signed Assignment and Declaration. Each of you were previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar has filed a Continuation-In-Part patent application relating to what is now called the ClixList system (see attached patent application and figures). Therefore, you each need to sign the attached Assignment and Declaration.

Please **sign** the attached "Assignment and Agreement" and "Combined Declaration and Power of Attorney" and return these papers to me **as soon as possible via FedEx**. The Assignment and Agreement must be signed before **two witnesses**, who must also sign and date the document and write or type their full names.

Please contact me if you have any questions. Your timely response is appreciated.



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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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---

**Mark V. Campagna**

Extension 5-1563 or 312/269-1563

02/23/02 11:33 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,

chuganis@diamtech.com, lohrmann@diamtech.com,

carlsona@diamtech.com, spiraj@diamtech.com, malshab@yahoo.com

cc: Merri Christine Merrill/JonesDay@JonesDay

Subject: Re: Clix/FastFrog CIP Patent Application

Dear Inventors:

The formal papers for the ClixnMortar patent application are due in the PTO by **March 28, 2002**. If you are receiving this e-mail, I have **still** not gotten your signed Assignment and Declaration. Each of you were previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar has filed a Continuation-In-Part patent application relating to what is now called the ClixList system (see attached patent application and figures). Therefore, you each need to sign the attached Assignment and Declaration.

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Please contact me if you have any questions. Also, please contact me if you do **not** intend to sign these papers so ClixnMortar can take appropriate action.

Your timely response is appreciated.



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Mark V. Campagna

Jones Day Reavis & Pogue

77 W. Wacker

Chicago, IL 60601

Direct: 312-269-1563

Fax: 312-782-8585

email: mcampagna@jonesday.com

----- Forwarded by Mark V. Campagna/JonesDay on 02/23/02 11:27 AM -----

**Mark V. Campagna**

Extension 5-1563 or 312/269-1563

02/07/02 07:59 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,

chuganis@diamtech.com, lohrmann@diamtech.com,

carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,

malshab@yahoo.com

cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay,

lmcglone@simon.com

Subject: Re: Clix/FastFrog CIP Patent Application

Dear Inventors:

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Please contact me if you have any questions. Your timely response is appreciated.

Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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---

Mark V. Campagna

Extension 5-1563 or 312/269-1563

04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com

cc: lmcglone@simon.com, Merri Christine Merrill/JonesDay@JonesDay

Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

The formal papers for the ClixnMortar patent application are **overdue** in the PTO. If you are receiving this e-mail, I have still not gotten your signed Assignment and Declaration. Each of you were previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar has filed a Continuation-In-Part patent application relating to what is now called the ClixList system (see attached patent application and figures). Therefore, you each need to sign the attached Assignment and Declaration.

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Your timely response is appreciated.



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Chicago, IL 60601

Direct: 312-269-1563

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email: mcampagna@jonesday.com

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**Mark V. Campagna**

Extension 5-1563 or 312/269-1563

04/30/02 01:29 PM

To: spiraj@diamtech.com

cc:

Subject: Clix/FastFrog CIP Patent Application

**Mark V. Campagna**

Extension 5-1563 or 312/269-1563

04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohrmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com

cc: Imcglone@simon.com, Merri Christine Merrill/JonesDay@JonesDay

Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

The formal papers for the ClixnMortar patent application are **overdue** in the PTO. If you are receiving this e-mail, I have still not gotten your signed Assignment and Declaration. Each of you were previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar has filed a Continuation-In-Part patent application relating to what is now called the ClixList system (see attached patent application and figures). Therefore, you each need to sign the attached Assignment and Declaration.

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Please contact me if you have any questions. Also, please contact me if you do not intend to sign these papers so ClixnMortar can take appropriate action.

Your timely response is appreciated.



CH1191324.DOC CIP Figs - All.pdf DECLARATION.pdf Assignment.pdf

**Mark V. Campagna**

Jones Day Reavis & Pogue

77 W. Wacker

Chicago, IL 60601

Direct: 312-269-1563

Fax: 312-782-8585

email: mcampagna@jonesday.com

---

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=====



Melanie Alshab  
<malshab@yahoo.com>

To: "Mark V. Campagna" <mcampagna@JonesDay.com>  
cc:  
Subject: Re: Clix/FastFrog CIP Patent Application

05/08/02 09:39 AM

Dear Mark:

Just a note to let you know that I received your email.

Sincerely - Melanie Alshab

---

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<http://health.yahoo.com>





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Mark V. Campagna

malshab@yahoo.com, <mcampagna@JonesDay.com>

05/08/02 10:36 AM

Subject: Re: Clix/FastFrog CIP Patent Application

Will you be sending back the signed papers?

Mark V. Campagna  
Jones, Day, Reavis & Pogue  
(312) 269-1563

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----- Original Message -----

From: malshab@yahoo.com

To: <mcampagna@JonesDay.com>

Cc:

Date: 05/08/2002 10:39:27 AM

Subject: Re: Clix/FastFrog CIP Patent Application

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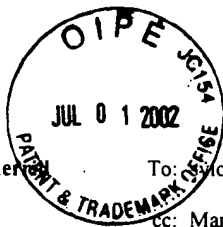
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Merri Christine Merrill  
Extension 54385  
05/15/02 11:10 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: Mark V. Campagna/JonesDay@JonesDay, mcglone@simon.com  
Subject: Clix/FastFrog CIP Patent Application

Dear inventors,

Further to Mark Campagna's April 30, 2002 e-mail memo below, we cannot trace having received your signed Declaration/Power of Attorney and Assignment needed in connection with U.S. patent application serial no. 10/026,247. The deadline for filing the inventors' declaration with the U.S. Patent Office is May 28, 2002.

For your convenience, we have attached the forms and ask that you return the signed and dated forms to us no later than **May 17, 2002**.

If you have any questions, please call me at (312) 269-4385.

Regards,

Christine Merrill  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Chicago, IL 60601-1692  
U.S.A.  
Phone: (312) 269-4385  
e-mail: mmerrill@jonesday.com

----- Forwarded by Merri Christine Merrill/JonesDay on 05/15/02 11:01 AM -----

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To: svioklaj@diamtech.com, chuganis@diamtech.com, lohmann@diamtech.com,  
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Fax: 312-782-8585  
email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al. )  
Serial No.: 10/026,247 )  
Filed: December 19, 2001 )  
For: Interactive In-Store/In-Mall and )  
Online Shopping System and )  
Method )  
Group Art Unit: 2165 )

STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)

1. I, Mark V. Campagna, am an attorney with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, Sandeep Chugani.

2. Inventor Sandeep Chugani is an employee of Diamond Technology Partners, a consultant for Simon Property Group. On information and belief, Mr. Chugani has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by him during his work on the Clix'nmortar.com/FastFrog.com project.

3. On December 17, 2001, February 7, 2002, February 23, 2002, and April 30, 2002 I sent to Mr. Chugani an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mails were copies of the specification, drawings, inventors' Declaration and Assignment.

CH: 1223396v1  
635482-625036

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
4. As of today's date, I have received no response from Mr. Chugani indicating that he will sign the Declaration and Assignment papers.

5. The last known address of Mr. Chugani is 7 Brown Court, Livingston, New Jersey 07039, U.S.A.

6. Attached is correspondence sent to Mr. Chugani.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 24, 2002

By:   
Mark V. Campagna  
Attorney



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Mark V. Campagna

Extension 5-1563 or 312/269-1563

12/17/01 02:10 PM

TO: dovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com,  
conardd@diamtech.com, khalilj@diamtech.com, spiraj@diamtech.com,  
dalessandrop@diamtech.com, lmcglone@simon.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

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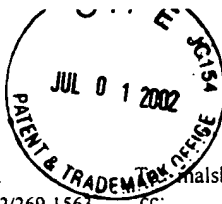


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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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Extension 5-1563 or 312/269-1563

12/17/01 03:27 PM

cc: malshab@yahoo.com

Subject: Clix/FastFrog CIP Patent Application

----- Forwarded by Mark V. Campagna/JonesDay on 12/17/01 03:23 PM -----

Mark V. Campagna

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12/17/01 02:10 PM

To: rcovington@interactapps.com, svioklaj@diamtech.com,

chuganis@diamtech.com, lohrmann@diamtech.com,

carlsona@diamtech.com, yaphed@diamtech.com,

conaradd@diamtech.com, khalilj@diamtech.com, spiraj@diamtech.com,

dalessandrop@diamtech.com, lmcglone@simon.com

cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay

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email: mcampagna@jonesday.com

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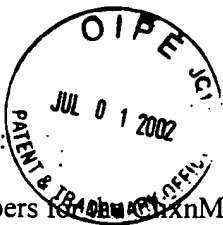
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02/07/02 07:59 AM



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chuganis@diamtech.com, lohmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay,  
lmcglone@simon.com  
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carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,  
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<maishab@yahoo.com>

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05/08/02 09:39 AM

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05/08/02 10:36 AM

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(312) 269-1563

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To: <mcampagna@JonesDay.com>

Cc:

Date: 05/08/2002 10:39:27 AM

Subject: Re: Clix/FastFrog CIP Patent Application

Dear Mark:

Just a note to let you know that I received your email.

Sincerely - Melanie Alshab


---

Do You Yahoo!?

Yahoo! Health - your guide to health and wellness

<http://health.yahoo.com>



 Merri Christine Merrill  
Extension 54385  
05/15/02 11:10 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: Mark V. Campagna/JonesDay@JonesDay, mcglone@simon.com  
Subject: Clix/FastFrog CIP Patent Application

Dear inventors,

Further to Mark Campagna's April 30, 2002 e-mail memo below, we cannot trace having received your signed Declaration/Power of Attorney and Assignment needed in connection with U.S. patent application serial no. 10/026,247. The deadline for filing the inventors' declaration with the U.S. Patent Office is May 28, 2002.

For your convenience, we have attached the forms and ask that you return the signed and dated forms to us no later than **May 17, 2002**.

If you have any questions, please call me at (312) 269-4385.

Regards,

Christine Merrill  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Chicago, IL 60601-1692  
U.S.A.  
Phone: (312) 269-4385  
e-mail: mmerrill@jonesday.com

----- Forwarded by Merri Christine Merrill/JonesDay on 05/15/02 11:01 AM -----

Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohrmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
cc: lmcglone@simon.com, Merri Christine Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

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Please contact me if you have any questions. Also, please contact me if you do not intend to sign these papers so ClixnMortar can take appropriate action.

Your timely response is appreciated.



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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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---

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	COVINGTON, et al.	)
		)
Serial No.:	10/026,247	)
		)
Filed:	December 19, 2001	)
		)
For:	Interactive In-Store/In-Mall and	)
	Online Shopping System and	)
	Method	)
		)
Group Art Unit:	2165	)

**STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)**

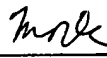
1. I, Mark V. Campagna, am an attorney with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, John Sviokla.

2. Inventor John Sviokla is an employee of Diamond Technology Partners, a consultant for Simon Property Group. On information and belief, Mr. Sviokla has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by him during his work on the Clix'nmortar.com/FastFrog.com project.

3. On December 17, 2001, February 7, 2002, February 23, 2002, and April 30, 2002 I sent to Mr. Sviokla an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mails were copies of the specification, drawings, inventors' Declaration and Assignment.

4. As of today's date, I have received no response from Mr. Sviokla.
5. Attached is correspondence sent to Mr. Sviokla.
6. The last known address of Mr. Sviokla is 11 Willard Street, Newton, Massachusetts 02458-2230, U.S.A.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 24, 2002

By:   
Mark V. Campagna  
Attorney

**Mark V. Campagna**

Extension 5-1563 or 312/269-1563

12/17/01 02:10 PM

To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com,  
conardd@diamtech.com, khalilj@diamtech.com, spiraj@diamtech.com,  
dalessandrop@diamtech.com, lmcglone@simon.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

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Also, please **sign** the attached "Assignment and Agreement" and "Combined Declaration and Power of Attorney" and return these papers to me as soon as possible via FedEx. The Assignment and Agreement must be signed before **two witnesses**, who must also sign and date the document and write or type their full names.

Please call me if you have any questions. Your timely response is appreciated.



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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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**Mark V. Campagna**  
Extension 5-1563 or 312/269-1563  
12/17/01 03:27 PM  
To: malshab@yahoo.com  
cc:  
Subject: Clix/FastFrog CIP Patent Application

----- Forwarded by Mark V. Campagna/JonesDay on 12/17/01 03:23 PM -----

**Mark V. Campagna**  
Extension 5-1563 or 312/269-1563  
12/17/01 02:10 PM  
To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com,  
conardd@diamtech.com, khalilj@diamtech.com, spiraj@diamtech.com,  
dalessandrop@diamtech.com, lmcglone@simon.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay  
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Mark V. Campagna  
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77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
02/07/02 07:59 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohrmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay,  
lmcglone@simon.com  
Subject: Re: Clix/FastFrog CIP Patent Application 

Dear Inventors:

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Fax: 312-782-8585  
email: mcampagna@jonesday.com

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---



**Mark V. Campagna**

Extension 5-1563 or 312/269-1563

02/23/02 11:33 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,

chuganis@diamtech.com, lohmann@diamtech.com,

carlsona@diamtech.com, spiraj@diamtech.com, malshab@yahoo.com

cc: Merri Christine Merrill/JonesDay@JonesDay

Subject: Re: Clix/FastFrog CIP Patent Application

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Your timely response is appreciated.



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**Mark V. Campagna**

Jones Day Reavis & Pogue

77 W. Wacker

Chicago, IL 60601

Direct: 312-269-1563

Fax: 312-782-8585

email: mcampagna@jonesday.com

----- Forwarded by Mark V. Campagna/JonesDay on 02/23/02 11:27 AM -----

**Mark V. Campagna**

Extension 5-1563 or 312/269-1563

02/07/02 07:59 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,

chuganis@diamtech.com, lohmann@diamtech.com,

carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,

malshab@yahoo.com

cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay,

lmcglone@simon.com

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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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**Mark V. Campagna**  
Extension 5-1563 or 312/269-1563  
04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohrmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
cc: lmclone@simon.com, Merri Christine Merrill/JonesDay@JonesDay  
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Fax: 312-782-8585  
email: mcampagna@jonesday.com

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Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
04/30/02 01:29 PM  
To: spiraj@diamtech.com  
cc:  
Subject: Clix/FastFrog CIP Patent Application

Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
04/30/02 11:49 AM  
To: svioklaj@diamtech.com, chuganis@diamtech.com, lohmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
cc: lmcglone@simon.com, Merri Christine Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

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email: mcampagna@jonesday.com

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=====



**Melanie Alshab**  
<malshab@yahoo.com>

To: "Mark V. Campagna" <mcampagna@JonesDay.com>  
cc:  
Subject: Re: Clix/FastFrog CIP Patent Application

05/08/02 09:39 AM

Dear Mark:

Just a note to let you know that I received your email.

Sincerely - Melanie Alshab

---

Do You Yahoo!?

Yahoo! Health - your guide to health and wellness  
<http://health.yahoo.com>



**Mark V. Campagna**

05/08/02 10:36 AM

To: malshab@yahoo.com, <mcampagna@JonesDay.com>

cc:

Subject: Re: Clix/FastFrog CIP Patent Application

Will you be sending back the signed papers?

Mark V. Campagna  
Jones, Day, Reavis & Pogue  
(312) 269-1563

This email message, sent from my wireless device, contains information that may be confidential, be protected by attorney-client or other applicable privileges, or constitute non ½

----- Original Message -----

From: malshab@yahoo.com

To: <mcampagna@JonesDay.com>

Cc:

Date: 05/08/2002 10:39:27 AM

Subject: Re: Clix/FastFrog CIP Patent Application

Dear Mark:

Just a note to let you know that I received your email.


Sincerely - Melanie Alshab

---

Do You Yahoo!?

Yahoo! Health - your guide to health and wellness

<http://health.yahoo.com>

 **Merri Christine Merrill**  
Extension 54385  
05/15/02 11:10 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: Mark V. Campagna/JonesDay@JonesDay, mcglone@simon.com  
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For your convenience, we have attached the forms and ask that you return the signed and dated forms to us no later than **May 17, 2002**.

If you have any questions, please call me at (312) 269-4385.

Regards,

Christine Merrill  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Chicago, IL 60601-1692  
U.S.A.  
Phone: (312) 269-4385  
e-mail: mmerrill@jonesday.com

----- Forwarded by Merri Christine Merrill/JonesDay on 05/15/02 11:01 AM -----

**Mark V. Campagna**  
Extension 5-1563 or 312/269-1563  
04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohrmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
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email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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COPY OF PAPERS  
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al. )  
Serial No.: 10/026,247 )  
Filed: December 19, 2001 )  
For: Interactive In-Store/In-Mall and )  
Online Shopping System and )  
Method )  
Group Art Unit: 2165 )

**STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)**

1. I, Mark V. Campagna, am an attorney with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, James C. Spira.

2. Inventor James Spira is an employee of Diamond Technology Partners, a consultant for Simon Property Group. On information and belief, Mr. Spira has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by him during his work on the Clix'nmortar.com/FastFrog.com project.

3. On December 17, 2001, February 7, 2002, February 23, 2002, and April 30, 2002 I sent to Mr. Spira an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mails were copies of the specification, drawings, inventors' Declaration and Assignment.


4. As of today's date, I have received no response from Mr. Spira indicating that he will sign the Declaration and Assignment papers.

5. Attached is correspondence sent to Mr. Spira.

6. The last known address of Mr. Spira is 16950 South Woodland, Shaker Heights, Ohio 44120, U.S.A.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 24, 2002

By:   
Mark V. Campagna  
Attorney

Mark V. Campagna

Extension 5-1563 or 312/269-1563

12/17/01 03:27 PM

To: malshab@yahoo.com

cc:

Subject: Clix/FastFrog CIP Patent Application

Forwarded by Mark V. Campagna/JonesDay on 12/17/01 03:23 PM -----

Mark V. Campagna

Extension 5-1563 or 312/269-1563

12/17/01 02:10 PM

To: rcovington@interactapps.com, svioklaj@diamtech.com,

chuganis@diamtech.com, lohrmann@diamtech.com,

carlsona@diamtech.com, yaphed@diamtech.com,

conardd@diamtech.com, khalilj@diamtech.com, spiraj@diamtech.com,

dalessandrop@diamtech.com, lmcglone@simon.com

cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay

Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

I'm a patent attorney working with ClixnMortar. You have been previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar is filing a Continuation-In-Part patent application relating to what is now called the ClixList system. Please review the attached patent application and give me any comments you have.

Also, please **sign** the attached "Assignment and Agreement" and "Combined Declaration and Power of Attorney" and return these papers to me as soon as possible via FedEx. The Assignment and Agreement must be signed before **two witnesses**, who must also sign and date the document and write or type their full names.

Please call me if you have any questions. Your timely response is appreciated.



CH1191324.DOC CIP Figs - All.pdf DECLARATION.pdf Assignment.pdf

Mark V. Campagna

Jones Day Reavis & Pogue

77 W. Wacker

Chicago, IL 60601

Direct: 312-269-1563

Fax: 312-782-8585

email: mcampagna@jonesday.com

=====

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=====

Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
02/07/02 07:59 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohrmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay,  
lmcglone@simon.com  
Subject: Re: Clix/FastFrog CIP Patent Application 

Dear Inventors:

The formal papers for the ClixnMortar patent application are due in the PTO by **March 28, 2002**. If you are receiving this e-mail, I have not gotten your signed Assignment and Declaration. Each of you were previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar has filed a Continuation-In-Part patent application relating to what is now called the ClixList system (see attached patent application and figures). Therefore, you each need to sign the attached Assignment and Declaration.

Please **sign** the attached "Assignment and Agreement" and "Combined Declaration and Power of Attorney" and return these papers to me **as soon as possible via FedEx**. The Assignment and Agreement must be signed before **two witnesses**, who must also sign and date the document and write or type their full names.

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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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---

**Mark V. Campagna**  
Extension 5-1563 or 312/269-1563  
02/23/02 11:33 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohmann@diamtech.com,  
carlsona@diamtech.com, spiraj@diamtech.com, malshab@yahoo.com  
cc: Merri Christine Merrill/JonesDay@JonesDay  
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Please contact me if you have any questions. Also, please contact me if you do **not** intend to sign these papers so ClixnMortar can take appropriate action.

Your timely response is appreciated.



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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

----- Forwarded by Mark V. Campagna/JonesDay on 02/23/02 11:27 AM -----

**Mark V. Campagna**  
Extension 5-1563 or 312/269-1563  
02/07/02 07:59 AM

To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay,  
lmcglone@simon.com  
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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
cc: lmcglone@simon.com, Merri Christine Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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---

Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
04/30/02 01:29 PM

To: spiraj@diamtech.com  
cc:  
Subject: Clix/FastFrog CIP Patent Application

Mark V. Campagna  
Extension 5-1563 or 312/269-1563  
04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohmann@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
cc: lmcglone@simon.com, Merri Christine Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

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Your timely response is appreciated.



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77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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=====



**Melanie Alshab**  
<malshab@yahoo.com>

To: "Mark V. Campagna" <mcampagna@JonesDay.com>  
cc:  
Subject: Re: Clix/FastFrog CIP Patent Application

05/08/02 09:39 AM

Dear Mark:

Just a note to let you know that I received your email.

Sincerely - Melanie Alshab

---

Do You Yahoo!?

Yahoo! Health - your guide to health and wellness  
<http://health.yahoo.com>



Mark V. Campagna

05/08/02 10:36 AM

To: malshab@yahoo.com, <mcampagna@JonesDay.com>

cc:

Subject: Re: Clix/FastFrog CIP Patent Application

Will you be sending back the signed papers?

Mark V. Campagna

Jones, Day, Reavis & Pogue

(312) 269-1563

This email message, sent from my wireless device, contains information that may be confidential, be protected by attorney-client or other applicable privileges, or constitute non  $\frac{1}{2}$

----- Original Message -----

From: malshab@yahoo.com

To: <mcampagna@JonesDay.com>

Cc:

Date: 05/08/2002 10:39:27 AM

Subject: Re: Clix/FastFrog CIP Patent Application

Dear Mark:

Just a note to let you know that I received your email.

Sincerely - Melanie Alshab

---

Do You Yahoo!?

Yahoo! Health - your guide to health and wellness

<http://health.yahoo.com>



Merri Christine Merrill

Extension 54385

05/15/02 11:10 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, spiraj@diamtech.com, malshab@yahoo.com

cc: Mark V. Campagna/JonesDay@JonesDay, mcglone@simon.com

Subject: Clix/FastFrog CIP Patent Application

Dear inventors,

Further to Mark Campagna's April 30, 2002 e-mail memo below, we cannot trace having received your signed Declaration/Power of Attorney and Assignment needed in connection with U.S. patent application serial no. 10/026,247. The deadline for filing the inventors' declaration with the U.S. Patent Office is May 28, 2002.

For your convenience, we have attached the forms and ask that you return the signed and dated forms to us no later than **May 17, 2002**.

If you have any questions, please call me at (312) 269-4385.

Regards,

Christine Merrill

Jones, Day, Reavis & Pogue

77 West Wacker Drive

Chicago, IL 60601-1692

U.S.A.

Phone: (312) 269-4385

e-mail: mmerrill@jonesday.com

----- Forwarded by Merri Christine Merrill/JonesDay on 05/15/02 11:01 AM -----

Mark V. Campagna

Extension 5-1563 or 312/269-1563

04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com, lohmann@diamtech.com, spiraj@diamtech.com, malshab@yahoo.com

cc: lmcglone@simon.com, Merri Christine Merrill/JonesDay@JonesDay

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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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**Mark V. Campagna**  
Extension 5-1563 or 312/269-1563  
12/17/01 02:10 PM

To: rcovington@interactapps.com, svioklaj@diamtech.com,  
chuganis@diamtech.com, lohmann@diamtech.com,  
carlsona@diamtech.com, yaphed@diamtech.com,  
conardd@diamtech.com, khalilj@diamtech.com, spiraj@diamtech.com,  
dalessandrop@diamtech.com, lmcglone@simon.com  
cc: ronaldasandler@jonesday.com, Merri Christine Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

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77 W. Wacker  
Chicago, IL 60601  
Direct: 312-269-1563  
Fax: 312-782-8585  
email: mcampagna@jonesday.com

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---





COPY OF PAPERS  
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al. )  
Serial No.: 10/026,247 )  
Filed: December 19, 2001 )  
For: Interactive In-Store/In-Mall and )  
Online Shopping System and )  
Method )  
Group Art Unit: 2165 )

STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)

1. I, Merri C. Merrill, am a legal assistant with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, James C. Spira.

2. Inventor James C. Spira is an employee of Diamond Technology Partners, a consultant for Simon Property Group. On information and belief, Mr. Spira has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by him during his work on the Clix'nmortar.com/FastFrog.com project.

3. On May 15, 2002, I sent to Mr. Spira an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mail were copies of the specification, drawings, inventors' Declaration and Assignment.

RECEIVED  
JUL 08 2002  
OFFICE OF PETITIONS


4. As of today's date, I have received no response from Mr. Spira indicating that he will sign the Declaration and Assignment papers.

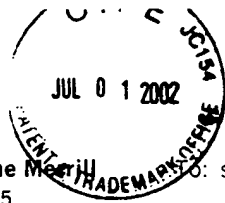
5. Attached is correspondence sent to Mr. Spira.

6. The last known address of James Spira is 16950 South Woodland, Shaker Heights, Ohio 44120, U.S.A.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 25, 2002

By:   
Merri C. Merrill  
Legal Assistant



COPY OF PAPERS  
ORIGINALLY FILED



Merri Christine Merrill  
Extension 54385  
05/15/02 11:02 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
cc: Mark V. Campagna/JonesDay, mcglone@simon.com  
cc:  
Subject: Clix/FastFrog CIP Patent Application

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Christine Merrill  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Chicago, IL 60601-1692  
U.S.A.  
Phone: (312) 269-4385  
e-mail: mmerrill@jonesday.com

----- Forwarded by Merri Christine Merrill/JonesDay on 05/15/02 11:01 AM -----

Mark V. Campagna  
Extension 5-1563 or  
312/269-1563  
04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com,  
lohrmann@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: lmcglone@simon.com, Merri Christine  
Merrill/JonesDay@JonesDay  
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RECEIVED

JUL 08 2002

OFFICE OF PETITIONS

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Mark V. Campagna  
Jones Day Reavis & Pogue  
77 W. Wacker  
Chicago, IL 60601  
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email: [mcampagna@jonesday.com](mailto:mcampagna@jonesday.com)

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In re application of: COVINGTON, et al. )  
Serial No.: 10/026,247 )  
Filed: December 19, 2001 )  
For: Interactive In-Store/In-Mall and )  
Online Shopping System and )  
Method )  
Group Art Unit: 2165 )

STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)

1. I, Merri C. Merrill, am a legal assistant with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, John Sviokla.

2. Inventor John Sviokla is an employee of Diamond Technology Partners, a consultant for Simon Property Group. On information and belief, Mr. Sviokla has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by him during his work on the Clix'nmortar.com/FastFrog.com project.

3. On May 15, 2002, I sent to Mr. Sviokla an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mail were copies of the specification, drawings, inventors' Declaration and Assignment.

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4. As of today's date, I have received no response from Mr. Sviokla indicating that he will sign the Declaration and Assignment papers.

5. Attached is correspondence sent to Mr. Sviokla.

6. The last known address of John Sviokla is 11 Willard Street, Newton, Massachusetts 02458-2230 U.S.A.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 25, 2002

By:   
Merri C. Merrill  
Legal Assistant

Merri Christin M rill  
Extension 54385  
05/15/02 11:02 AM



COPY OF PAPERS  
ORIGINALLY FILED

To: svioklaj@diamtech.com, chuganis@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
Campagna/JonesDay, mcglone@simon.com  
cc:  
Subject: Clix/FastFrog CIP Patent Application

Dear inventors,

Further to Mark Campagna's April 30, 2002 e-mail memo below, we cannot trace having received your signed Declaration/Power of Attorney and Assignment needed in connection with U.S. patent application serial no. 10/026,247. The deadline for filing the inventors' declaration with the U.S. Patent Office is May 28, 2002.

For your convenience, we have attached the forms and ask that you return the signed and dated forms to us no later than **May 17, 2002**.

If you have any questions, please call me at (312) 269-4385.

Regards,

Christine Merrill  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Chicago, IL 60601-1692  
U.S.A.  
Phone: (312) 269-4385  
e-mail: mmerrill@jonesday.com

----- Forwarded by Merri Christine Merrill/JonesDay on 05/15/02 11:01 AM -----

Mark V. Campagna  
Extension 5-1563 or  
312/269-1563  
04/30/02 11:49 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com,  
lohrmann@diamtech.com, spiraj@diamtech.com,  
malshab@yahoo.com  
cc: lmcglone@simon.com, Merri Christine  
Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

The formal papers for the ClixnMortar patent application are **overdue** in the PTO. If you are receiving this e-mail, I have still not gotten your signed Assignment and Declaration. Each of you were previously named as inventors on a U.S. patent relating to the FastFrog system. ClixnMortar has filed a Continuation-In-Part patent application relating to what is now called the ClixList system (see attached patent application and figures). Therefore, you each need to sign the attached Assignment and Declaration.

Please sign the attached "Assignment and Agreement" and "Combined Declaration and Power of Attorney" and return these papers to me **as soon as possible via FedEx**. The Assignment and Agreement must be signed before **two witnesses**, who must also sign and date the document and write or type their full names.

Please contact me if you have any questions. Also, please contact me if you do not intend to sign these papers so ClixnMortar can take appropriate action.

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Your timely response is appreciated.



CH1191324.DOC CIP Figs - All.pdf DECLARATION.pdf Assignment.pdf

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al. )  
Serial No.: 10/026,247 )  
Filed: December 19, 2001 )  
For: Interactive In-Store/In-Mall and )  
Online Shopping System and )  
Method )  
Group Art Unit: 2165 )

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ORIGINALLY FILED

STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.14(a)

1. I, Merri C. Merrill, am a legal assistant with the law firm of Jones, Day, Reavis & Pogue (JDRP). JDRP is the Firm of record for the above-captioned application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, Sandeep Chugani.

2. Inventor Sandeep Chugani is an employee of Diamond Technology Partners, a consultant for Simon Property Group. On information and belief, Mr. Chugani has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by him during his work on the Clix'nmortar.com/FastFrog.com Project.

3. On May 15, 2002, I sent to Mr. Chugani an e-mail memo advising of the March 28, 2002 Patent Office Deadline. Attached to the e-mail were copies of the specification, drawings, inventors' Declaration and Assignment.

4. As of today's date, I have received no response from Mr. Chugani indicating that he will sign the Declaration and Assignment papers.

5. Attached is correspondence sent to Mr. Chugani.

6. The last known address of Sandeep Chugani is 7 Brown Court, Livingston, New Jersey 07039, U.S.A.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: June 25, 2002

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Merri C. Merrill  
Legal Assistant

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Merri Christine Merrill  
Extension 54385

05/15/02 11:02 AM

To: svioklaj@diamtech.com, chuganis@diamtech.com,  
spiraj@diamtech.com, malshab@yahoo.com  
cc: Mark V. Campagna/JonesDay, mcglone@simon.com  
cc:  
Subject: Clix/FastFrog CIP Patent Application

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04/30/02 11:49 AM

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cc: lmcglone@simon.com, Merri Christine  
Merrill/JonesDay@JonesDay  
Subject: Clix/FastFrog CIP Patent Application

Dear Inventors:

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Your timely response is appreciated.



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CIP Figs - All.pdf



DECLARATION.pdf



Assignment.pdf

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